



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Charles J. Winslow et al.

Examiner: Julian W. Woo

Serial No.: 08/889,661

Group: Art Unit 3309

Filed: July 8, 1997

Docket: 203-1782 CON (1791 CON)

For: OPEN POSTERIOR LUMBAR
FUSION CAGE INSERTION SET

Dated: May 14, 1999

MAY 21 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Applicants would like to comment on the Examiner's Statement of Reasons for Allowance provided in the Notice of Allowability mailed April 19, 1999 in connection with the above-identified application.

Applicants wish to clarify that their invention, as claimed, does not require both the impactor cap and the elongate member with openings in its outer wall for patentability as may be implied by the statement. Compare, e.g., allowed independent claims 12 and 15. Furthermore, with respect to the comments pertaining to the method, Applicants wish to clarify that the method of Applicants' invention does not require "an opening in its outer wall for introduction of surgical instrumentation" for a patentability. See, e.g.,

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 14, 1999.

Dated: May 14, 1999

Joseph W. Schmidt

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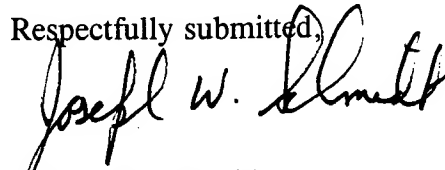
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Publishing Division

independent claim 2.

It is respectfully requested that the above-mentioned comments be entered as part of the file history of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Joseph W. Schmidt". The signature is fluid and cursive, with the first name "Joseph" being the most prominent.

Joseph W. Schmidt
Registration No. 36,920
Attorney for Applicants

DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, New York 11553
(516) 228-8484

JWS:mb